

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS RODRIGUEZ,

Case No. 2:22-cv-01898-JDP (HC)

Petitioner,

v.

KEVIN ROONEY,

ORDER & FINDINGS &
RECOMMENDATIONS

Respondent.

On February 17, 2023, I screened petitioner's petition for a writ of habeas corpus and notified him that it failed to state a claim and failed to indicate which, if any, of his claims had been exhausted in state court. I granted him thirty days to file an amended petition. ECF No. 6. Petitioner failed to timely file an amended petition. Accordingly, on May 16, 2023, I ordered him to show cause within twenty-one days why this action should not be dismissed based on his failure to prosecute. ECF No. 7. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended petition. *Id.* I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and petitioner has not filed an amended petition nor otherwise responded to the May 16, 2023 order. Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case.

1 Further, it is hereby RECOMMENDED that:

2 1. This action be dismissed for failure to prosecute and failure to comply with court
3 orders.

4 2. The Clerk of Court be directed to close the case.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
10 objections shall be served and filed within fourteen days after service of the objections. The
11 parties are advised that failure to file objections within the specified time may waive the right to
12 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
13 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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15 IT IS SO ORDERED.

16 Dated: July 6, 2023


17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE

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